

TO DEFINE OR NOT TO DEFINE? A QUERY ON THE NOTION OF COMMERCIAL ASPECTS OF INTELLECTUAL PROPERTY

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ABSTRACT: *The European Union (the EU) owes its existence to economic objectives. In territorial terms, Europe is the historical cradle of intellectual property (IP) and the pioneering economic activities in the region have long been inextricably intertwined with the IP-intensive sectors. Therefore, the importance of IP in the European economy, both internally and globally, is ubiquitous. At the external relations level, the competence allocation between the EU and its Member States hinges upon the elusive notion of 'commercial aspects of intellectual property' which has been prone to definitional ambiguity since its inception. Against that background, this article primarily aims to pinpoint whether the said notion is intended and/or utilized to delineate a confinable area within the international affairs of IP. In doing so we shall put in the perspective the economic/political continuum preceding the inception of that concept and piece together the legislative and jurisprudential development with a view to reason a definitional apprehension. Finally, having formulized a definitional paradigm, we shall reflect on the likelihood of an autonomous EU law concept in this particular context.*

KEYWORDS: Intellectual property; commercial aspects; trade-related aspects; common commercial policy; external EU competence

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